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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,659	01/31/2002	Mark Philip D'Evelyn	RD-26623	1467

6147 7590 03/17/2006

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
NISKAYUNA, NY 12309

EXAMINER
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KUNEMUND, ROBERT M

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/683,659	<b>Applicant(s)</b> D'EVELYN ET AL.	
	<b>Examiner</b> Robert M. Kunemund	<b>Art Unit</b> 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 129-206 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 157-206 is/are allowed.
- 6) ☒ Claim(s) 129-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 129 to 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrappa et al., Handbook of Hydrothermal Technology, Chapter 3: Apparatus, pp. 82-160, 2001. in view of Purdy (5,902,396)

Byrappa et al. discloses apparatus used at extreme pressures and temperatures,(see page 82). Page 83 discloses simple autoclaves from the 1970's. Selection of materials includes steel, iron, nickel, cobalt-based, super-alloys, titanium and titanium's alloys. These materials exhibit good corrosion resistance at the use pressure and temperature to the given solvent or hydrothermal fluid. Fig. 3.3 shows the

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general shape of the vessel to be a hollow cylinder with a closure at one end. Liners of the vessel include (see Table 3.5) Ti, iron alloys, Ag, Pt, Cu, Ni, Au. Pt is inherently lined.

Fig. 3.19 shows a baffle in such an apparatus. Fig. 3.21 shows threads on the closure cap. On page 106, a silver or copper seal gasket is disclosed. The danger of hydrogen embrittlement is disclosed on page 89. Hydrogen embrittlement is caused by hydrogen forming metal hydrides and thus reducing the strength of the apparatus. Table 1 shows apparatus capable of operating with pressure of 6 bar up to 500 kbar. A plug is shown in Fig. 3.11 with a tube extending there-through. The examiner notes that the intended use of the vessel (i.e. a use where the chamber is substantially free from air) is not germane to the issue of the patentability of the apparatus itself. Byrappa et al. does not disclose explicitly a free space between an inner capsule and an outer capsule. Purdy discloses a method of growing a crystal with an inner vessel (see # 12 in Fig. 1) and an outer vessel (20). A free space is shown in Fig.1 between the vessels. In col. 5 line 10-15 a counter pressure fluid (water) is disclosed as provided in the space between the vessels to counter the possibility of explosion. The inner vessel can be a quartz (i.e. a silicon oxide based glass). It would have been obvious to one of ordinary skill in the art at the time of the present invention to combine the disclosures of Byrappa et al. and Purdy because Byrappa et al. discloses that safety is extremely important for pressure vessels and Purdy discloses a way of increasing safety.

Also, Byrappa does not disclose: (1) the barrier between the inert liner coating and the wall of the capsule (2) the exact thickness of the coatings', (3) the exact material

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properties such as permeability', (4) self- pressurizing character of the capsule', (5)exact baffle material. It would have been obvious to one of ordinary skill in the art at the time of the present invention to form a capsule (made of the claimed materials) having a closed end, walls, a sealed end, one of at least one coating and an inert liner on the inside surface and to make the liner or coating of a different material than the capsule itself. Further, it would have been obvious to one of ordinary skill in the art at the time of the present invention to form a seal and using different types of seals for the capsule and capsule lid (having a sealed fill tube) with threads because Byrappa suggests such a seal and lid (see fig. 3.6), the capsule in entirety because the duplicated seal would have provided a redundant safety measure (i.e. two seals vs. one before a leak).

### ***Response to Arguments***

Applicant's arguments filed July 12, 2005 have been fully considered but they are not persuasive.

Applicants' argument concerning the combination of references is noted. However, the combination of references does teach the instantly claimed invention of claims 129 to 156. The combination does teach two sealed vessels and means to have a pressure in one of the vessels. Note, a specific pressure has not been claimed and the material of the inner vessel is the same as claimed.

The remaining claims are allowable over the art of record as the art does not teach the a of the zero stroke pressure device used in combination with the vessel structure claimed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

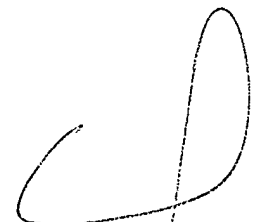
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Kunemund whose telephone number is 571-272-1464. The examiner can normally be reached on 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMK



ROBERT KUNEMUND  
PRIMARY EXAMINER